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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/705,603	11/12/2003	Jin Peng	38898-0056	5578								
7590 Ridout & Maybee LLP One Queen Street East Suite 2400 Toronto, ON M5C 381 CANADA		01/10/2008	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">NGUYEN, THU HA T</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2153</td><td></td></tr></table>		EXAMINER		NGUYEN, THU HA T		ART UNIT	PAPER NUMBER	2153	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/705,603

**Applicant(s)**

PENG ET AL.

**Examiner**

Thu Ha T. Nguyen

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/12/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims **1-41** are presented for examination.

**Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claim 16 is not limited to tangible embodiments. The claim recited "A notification framework... including..." is nonstatutory. Since claim 16 recited "A notification framework... including: (a) an event handler...; an event listener...; and an event policy library..." is just limited to a functional descriptive materials consists of computer program/software per se, instead of being defined as including tangible embodiments (i.e., a computer readable storage medium such as memory device, storage medium, etc.). As such, the claim is not limited to statutory subject matter and is therefore nonstatutory. See MPEP 2106 section V. DETERMINE WHETHER THE CLAIMED INVENTION COMPLIES WITH 35 U.S.C. 101 under subsection 1. Nonstatutory subject matter.

5. Likewise, claims 17-26 are dependent claims depend on claim 16; therefore, they are also rejected under the same 35 U.S.C 101.

**Claim Rejections - 35 USC § 102**

6. A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

7. Claims 1, 6-12, 15-16, 20-23, 26-27, 32, 34-38 and 41 are rejected under 35 U.S.C. § 102(b) as being anticipated by **Sondur et al.** (hereinafter **Sondur**) U.S. Patent No. **6,282,568**.

8. As to claim 1, **Sondur** teaches the invention as claimed, including a method of distributing notification regarding an event from an event generator to an event listener in a network environment, the method comprising the steps of: (a) receiving an event message from the event generator, said event message being Web Service based and including an event source element and an extensible event content element (col. 14, line 27-61); (b) creating an event envelope containing said event content element (figure 8, col. 14, line 27-61); (c) identifying the event listener as a registered event listener entitled to receive notice of the event (col. 5, line 9-49, col. 7, line 18-47, col. 13, line 25-49); and (d) transmitting the event envelope to the event listener (col. 5, line 36-49, col. 13, line 50-col. 14, line 56).

9. As to claim 6, **Sondur** teaches the invention as claimed in claim 5, further including steps of registering the event generator, storing said event source element in an event source library, and storing said schema in an event schema library (figure 8, col. 14, line 27-61).

10. As to claim 7, **Sondur** teaches the invention as claimed in claim 4, further including a step of publishing said event source element through a Web Service Interface (figure 8, col. 14, line 27-61).

11. As to claim 8, **Sondur** teaches the invention as claimed in claim 7, further including steps of providing the event listener with said event source element, including an associated schema, through said Web Service Interface, and implementing a Listener Web Service Interface incorporating said associated schema at the event listener (figure 8, col. 14, line 27-61).

12. As to claim 9, **Sondur** teaches the invention as claimed in claim 7, further including a step of matching the event generator and the event listener based upon the event listener having implemented a Listener Web Service Interface incorporating a schema associated with the event type identifier figure 8, col. 14, line 27-61 ().

13. As to claim 10, **Sondur** teaches the invention as claimed in claim 1, further including a step of receiving an event policy and wherein said step of

identifying includes applying said event policy (col. 9, line 32-col. 12, line 33).

14. As to claim 11, **Sondur** teaches the invention as claimed in claim 10, wherein said event policy is received from the event generator or the event listener (figures 8, 9, col. 9, line 32-col. 12, line 33).

15. As to claim 12, **Sondur** teaches the invention as claimed in claim 10, wherein said event policy includes a condition and an action, and wherein said action comprises a run-time object (col. 9, line 32-col. 12, line 33).

16. As to claim 15, **Sondur** teaches the invention as claimed in claim 1, wherein said step of creating further includes storing said event envelope in a message queue (col. 14, line 27-61).

17. As to claim 16, **Sondur** teaches the invention as claimed, including a notification framework for distributing notification regarding an event from an event generator to an event listener in a network environment, the notification framework including: (a) an event handler for receiving an event message from the event generator, the event message being Web Service based and including an event source element and an extensible event content element (col. 14, line 27-61), and encapsulating the event content element in an event envelope (figure 8, col. 14, line 27-61) ; (b) an event listener library identifying registered event listeners entitled to receive notice of the event, wherein said registered event

listeners include the event listener (col. 5, line 9-49, col. 7, line 18-47, col. 13, line 25-49); and (c) an event policy library including an event policy element for transmitting the event envelope to the event listener (col. 5, line 36-49, col. 13, line 50-col. 14, line 56).

18. As to claim 27, **Sondur** teaches the invention as claimed, including a computer program product having a computer readable medium tangibly embodying computer executable instructions for distributing notification regarding an event from an event generator to an event listener in a network environment, the computer executable instructions comprising: (a) computer executable instructions for receiving an event message from the event generator, said event message being Web Service based and including an event source element and an extensible event content element (col. 14, line 27-61); (b) computer executable instructions for creating an event envelope containing said event content element (figure 8, col. 14, line 27-61); (c) computer executable instructions for identifying the event listener as a registered event listener entitled to receive notice of the event (col. 5, line 9-49, col. 7, line 18-47, col. 13, line 25-49); and (d) computer executable instructions for transmitting the event envelope to the event listener (col. 5, line 36-49, col. 13, line 50-col. 14, line 56).

19. Claims 20-23, 26, 32, 34-38, and 41 have similar limitations as claims 6-12 and 15; therefore, they are rejected under the same rationale.

**Claim Rejections - 35 USC § 103**

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2-5, 13-14, 17-20, 24-25, 28-33, and 39-40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Sondur et al.** (hereinafter Sondur) U.S. Patent No. **6,282,568**, in view of **Kekic et al.** U.S. Patent No. **6,272,537**.

22. As to claim 2, **Sondur** teaches the invention as claimed in claim 1; however, **Sondur** does not explicitly teach wherein said event envelope includes a timestamp. **Kekic** teaches said event envelope includes a timestamp (col. 87, line 19-col. 88, line 5). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Sondur and Kekic** to include timestamp in the event envelope because it would have provided a computer network management system for managing heterogeneous computer network elements.

23. As to claim 3, **Kekic** teaches wherein said timestamp includes a time of receipt of said event message (. 87, line 19-col. 88, line 5). It would have

been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Sondur and Kekic** to have the same motivation as set forth in claim 2.

24. As to claim 4, **Kekic** teaches the invention as claimed in claim 1, wherein said event source element comprises an event generator address for the event generator and an event type identifier (col. 70, line 58-col. 72, line 12). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Sondur and Kekic** to have the same motivation as set forth in claim 2.

25. As to claim 5, **Kekic** teaches wherein said event type identifier corresponds to a schema, and wherein said schema defines a structure for said event content element (col. 85, line 10-col. 86, line 67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Sondur and Kekic** to have the same motivation as set forth in claim 2.

26. As to claim 13, **Kekic** teaches wherein said condition comprises a condition upon said extensible event content element, and wherein said condition is expressed using X-Path language (col. 84, line 10-col. 85, line 11). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Sondur and Kekic** to

have the same motivation as set forth in claim 2.

27. As to claim 14, **Kekic** teaches wherein said event content element is an XML document, and wherein the structure of said XML document is defined by an XSD document (col. 84, line 10-col. 85, line 11). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Sondur and Kekic** to have the same motivation as set forth in claim 2.

28. Claims 17-20, 24-25, 28-33, and 39-40 have similar limitations as claims 2-5, and 13-14; therefore, they are rejected under the same rationale.

### **Conclusion**

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (571) 272-3949.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
THU HA NGUYEN  
PRIMARY EXAMINER

January 05, 2008